

Second Regular Session
Sixty-eighth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 12-0319.01 Michael Dohr x4347

SENATE BILL 12-044

SENATE SPONSORSHIP

Guzman,

HOUSE SPONSORSHIP

Pabon,

Senate Committees
Transportation

House Committees

A BILL FOR AN ACT

101 CONCERNING FAILURE TO PRESENT VALID EVIDENCE OF MASS TRANSIT
102 FARE PAYMENT.

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)

The bill repeals the crime of theft of transit and creates a class B traffic infraction failure to present a valid transit pass or coupon that covers the same prohibited conduct as the former crime of theft of transit.

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, **add** 42-4-1416 as
3 follows:

4 **42-4-1416. Failure to present a valid transit pass or coupon -**
5 **fare inspector authorization - definitions.** (1) A PERSON COMMITS
6 FAILURE TO PRESENT A VALID TRANSIT PASS OR COUPON IF THE PERSON
7 OCCUPIES, RIDES IN, OR USES A PUBLIC TRANSPORTATION VEHICLE
8 WITHOUT PAYING THE APPLICABLE FARE OR PROVIDING A VALID TRANSIT
9 PASS OR COUPON.

10 (2) A PERSON SHALL NOT OCCUPY, RIDE IN, OR USE A PUBLIC
11 TRANSPORTATION VEHICLE WITHOUT POSSESSION OF PROOF OF PRIOR FARE
12 PAYMENT. A PERSON SHALL PRESENT PROOF OF PRIOR FARE PAYMENT
13 UPON DEMAND OF A FARE INSPECTOR APPOINTED OR EMPLOYED PURSUANT
14 TO SUBSECTION (4) OF THIS SECTION, A PEACE OFFICER, OR ANY OTHER
15 EMPLOYEE OR AGENT OF A PUBLIC TRANSPORTATION ENTITY.

16 (3) A VIOLATION OF THIS SECTION IS A CLASS B TRAFFIC
17 INFRACTION AND IS PUNISHABLE BY A FINE OF SEVENTY-FIVE DOLLARS.

18 (4) (a) PUBLIC TRANSPORTATION ENTITIES MAY APPOINT OR
19 EMPLOY, WITH THE POWER OF REMOVAL, FARE INSPECTORS AS NECESSARY
20 TO ENFORCE THE PROVISIONS OF THIS SECTION.

21 (b) A PERSON APPOINTED OR EMPLOYED AS A FARE INSPECTOR
22 PURSUANT TO THIS SECTION SHALL MEET THE FOLLOWING REQUIREMENTS:

23 (I) THE PERSON IS A CITIZEN OF THE UNITED STATES AND THE
24 STATE OF COLORADO;

25 (II) THE PERSON POSSESSES A HIGH SCHOOL DIPLOMA;

26 (III) THE PERSON HAS NEVER BEEN CONVICTED OF OR PLEADED
27 GUILTY OR ENTERED A PLEA OF NOLO CONTENDERE TO A FELONY CHARGE

1 UNDER FEDERAL OR STATE LAW; AND

2 (IV) THE PERSON SATISFIES SUCH OTHER REQUIREMENTS AS THE
3 PUBLIC TRANSPORTATION ENTITY THAT APPOINTS OR EMPLOYS THE
4 PERSON MAY REQUIRE.

5 (c) A FARE INSPECTOR APPOINTED OR EMPLOYED PURSUANT TO
6 THIS SECTION IS AUTHORIZED TO ENFORCE THE PROVISIONS OF THIS
7 SECTION WHILE ACTING WITHIN THE SCOPE OF HIS OR HER AUTHORITY AND
8 IN THE PERFORMANCE OF HIS OR HER DUTIES. A FARE INSPECTOR IS
9 AUTHORIZED TO ISSUE A CITATION TO A PERSON WHO COMMITS FAILURE TO
10 PROVIDE A VALID TRANSIT PASS OR COUPON IN VIOLATION OF THIS
11 SECTION. THE FARE INSPECTOR SHALL ISSUE A CITATION ON BEHALF OF
12 THE COUNTY IN WHICH THE PERSON OCCUPYING, RIDING IN, OR USING A
13 PUBLIC TRANSPORTATION VEHICLE WITHOUT PAYING THE APPLICABLE
14 FARE IS LOCATED AT THE TIME THE VIOLATION IS DISCOVERED. THE PUBLIC
15 TRANSPORTATION ENTITY WHOSE FARE INSPECTOR ISSUED THE CITATION
16 SHALL TIMELY DELIVER THE CITATION TO THE CLERK OF THE COUNTY
17 COURT FOR THE JURISDICTION IN WHICH THE ACCUSED PERSON IS LOCATED
18 AT THE TIME THE VIOLATION IS DISCOVERED. THE COUNTY OR CITY AND
19 COUNTY IN WHICH THE VIOLATION OCCURRED SHALL RETAIN THE FINE
20 REVENUE.

21 (5) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
22 REQUIRES:

23 (a) "PROOF OF PRIOR FARE PAYMENT" MEANS:

24 (I) A TRANSIT PASS VALID FOR THE DAY AND TIME OF USE;

25 (II) A RECEIPT SHOWING PAYMENT OF THE APPLICABLE FARE FOR
26 USE OF A PUBLIC TRANSPORTATION VEHICLE DURING THE DAY AND TIME
27 SPECIFIED IN THE RECEIPT; OR

1 (III) A PREPAID TICKET OR SERIES OF TICKETS SHOWING
2 CANCELLATION BY A PUBLIC TRANSPORTATION ENTITY USED WITHIN THE
3 DAY AND TIME SPECIFIED IN THE TICKET.

4 (b) "PUBLIC TRANSPORTATION ENTITY" MEANS A MASS TRANSIT
5 DISTRICT, A MASS TRANSIT AUTHORITY, OR ANY OTHER PUBLIC ENTITY
6 AUTHORIZED UNDER THE LAWS OF THIS STATE TO PROVIDE MASS
7 TRANSPORTATION SERVICES TO THE GENERAL PUBLIC.

8 (c) "PUBLIC TRANSPORTATION VEHICLE" MEANS A BUS, A TRAIN,
9 A LIGHT RAIL VEHICLE, OR ANY OTHER MODE OF TRANSPORTATION USED
10 BY A PUBLIC TRANSPORTATION ENTITY TO PROVIDE TRANSPORTATION
11 SERVICES TO THE GENERAL PUBLIC.

12 (d) "TRANSIT PASS" MEANS ANY PASS, COUPON, TRANSFER, CARD,
13 IDENTIFICATION, TOKEN, TICKET, OR OTHER DOCUMENT, WHETHER ISSUED
14 BY A PUBLIC TRANSPORTATION ENTITY OR ISSUED BY AN EMPLOYER TO
15 EMPLOYEES PURSUANT TO AN AGREEMENT WITH A PUBLIC
16 TRANSPORTATION ENTITY, USED TO OBTAIN PUBLIC TRANSIT.

17 **SECTION 2.** In Colorado Revised Statutes, 42-4-1701, **amend**
18 (4) (a) (I) (N) as follows:

19 **42-4-1701. Traffic offenses and infractions classified -**
20 **penalties - penalty and surcharge schedule - repeal.** (4) (a) (I) Except
21 as provided in paragraph (c) of subsection (5) of this section, every
22 person who is convicted of, who admits liability for, or against whom a
23 judgment is entered for a violation of any provision of this title to which
24 paragraph (a) or (b) of subsection (5) of this section apply shall be fined
25 or penalized, and have a surcharge levied thereon pursuant to sections
26 24-4.1-119 (1) (f) and 24-4.2-104 (1) (b) (I), C.R.S., in accordance with
27 the penalty and surcharge schedule set forth in sub-subparagraphs (A) to

1 (P) of this subparagraph (I); or, if no penalty or surcharge is specified in
 2 the schedule, the penalty for class A and class B traffic infractions shall
 3 be fifteen dollars, and the surcharge shall be four dollars. These penalties
 4 and surcharges shall apply whether the defendant acknowledges the
 5 defendant's guilt or liability in accordance with the procedure set forth by
 6 paragraph (a) of subsection (5) of this section or is found guilty by a court
 7 of competent jurisdiction or has judgment entered against the defendant
 8 by a county court magistrate. Penalties and surcharges for violating
 9 specific sections shall be as follows:

10	Section Violated	Penalty	Surcharge
11	(N) Other offenses:		
12	42-4-1301 (2)(a.5)	\$ 100.00	\$ 16.00
13	42-4-1305	50.00	16.00
14	42-4-1402	150.00	16.00
15	42-4-1403	30.00	6.00
16	42-4-1404	15.00	6.00
17	42-4-1406	35.00	10.00
18	42-4-1407 (3)(a)	35.00	10.00
19	42-4-1407 (3)(b)	100.00	30.00
20	42-4-1407 (3)(c)	500.00	200.00
21	42-4-314	35.00	10.00
22	42-4-1408	15.00	6.00
23	42-4-1414 (2)(a)	500.00	156.00
24	42-4-1414 (2)(b)	1,000.00	312.00
25	42-4-1414 (2)(c)	5,000.00	1,560.00
26	42-4-1416 (3)	75.00	4.00
27	42-20-109 (2)	250.00	66.00

1 **SECTION 3.** In Colorado Revised Statutes, 42-4-1709, **amend**
2 (7) (a) introductory portion; and **add** (7) (a) (VIII) as follows:

3 **42-4-1709. Penalty assessment notice for traffic infractions -**
4 **violations of provisions by officer - driver's license.** (7) (a) ~~Not~~ A
5 person shall NOT be allowed or permitted to obtain or renew a permanent
6 driver's, minor driver's, or probationary license if such person has, at the
7 time of making application for obtaining or renewing such driver's
8 license:

9 (VIII) AN OUTSTANDING JUDGMENT ENTERED AGAINST SUCH
10 PERSON BY A COUNTY OR MUNICIPAL COURT FOR A VIOLATION OF SECTION
11 42-4-1416.

12 **SECTION 4.** In Colorado Revised Statutes, **repeal** part 8 of
13 article 4 of title 18.

14 **SECTION 5.** In Colorado Revised Statutes, 16-2.5-146, **amend**
15 (1) as follows:

16 **16-2.5-146. Public transit officer - definitions.** (1) A public
17 transit officer who is employed by a public transportation entity, as
18 defined in section ~~18-4-801 (2), C.R.S.~~ 42-4-1416 (5) (b), C.R.S., and is
19 specifically designated a peace officer by the public transportation entity
20 is a peace officer while engaged in the performance of his or her duties.
21 A public transit officer's authority shall be limited to the enforcement of
22 all laws of the state of Colorado and the provision of security for
23 passengers, employees, and property of the public transportation entity on
24 public transportation vehicles, as defined in section ~~18-4-801 (3), C.R.S.~~
25 42-4-1416 (5) (c), C.R.S., and at public transportation facilities. A public
26 transit officer's authority shall include the power of arrest based upon
27 probable cause while engaged in the performance of his or her duties. A

1 public transit officer shall be certified by the P.O.S.T. board.

2 **SECTION 6. Act subject to petition - effective date.** This act
3 takes effect at 12:01 a.m. on the day following the expiration of the
4 ninety-day period after final adjournment of the general assembly (August
5 7, 2012, if adjournment sine die is on May 9, 2012); except that, if a
6 referendum petition is filed pursuant to section 1 (3) of article V of the
7 state constitution against this act or an item, section, or part of this act
8 within such period, then the act, item, section, or part will not take effect
9 unless approved by the people at the general election to be held in
10 November 2012 and, in such case, will take effect on the date of the
11 official declaration of the vote thereon by the governor.